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**FOR IMMEDIATE RELEASE**

**DATE: Wednesday, March 2, 2011**

**SUPREME COURT ISSUES ORDER IN DISCRETIONARY FUND CASES**

WINDOW ROCK, Ariz. – The Navajo Nation Supreme Court has issued an omnibus order and writ in *Acothley et. al. v. Carol Perry, Window Rock District Court and Navajo Nation, No. SC-CV-08-11* requiring that co-conspirators in the discretionary fund cases be consolidated and tried together in joint trials. The order and writ was issued on March 1, 2011, following the filing of an application for dismissal and disqualification of judges and the Special Prosecutor by David Jordan, attorney for 24 of the defendants in discretionary fund cases.

Mr. Jordan filed his application on January 26, 2011, seeking to disqualify Special Prosecutor Alan Balaran and Window Rock District Court Judges Carol Perry and T.J. Holgate in the cases against his clients. The Supreme Court denied the dismissal and disqualification of Perry, Holgate and Balaran.

The Court's consolidation order was necessitated by the unprecedented burden of numerous jury trials on the court system and the extraordinary circumstance of a single individual – the Special Prosecutor – being solely responsible for a large scale government prosecution without any Navajo Nation prosecutorial assistance due to the constraints of the Special Prosecutor law. The Court ordered the Special Prosecutor to request assistance from the Office of the Attorney General and Office of the Chief Prosecutor and if there is no conflict of interest, the assistance shall be provided.

The Court ordered the courts and Special Prosecutor to submit a plan by April 20, 2011, for the adjudication of joint trials for defendants on all outstanding charges in all discretionary fund cases where any single conspiracy charge is shared.

Additionally, the Court addressed the costs of the jury trials, stating that even though the Council and government have known for months about the numerous jury demands, no funds have been allocated for these trials by the Council. As a result of the order, defendants in the discretionary fund cases who do not plead indigency are required to prepay the costs of jury trials at \$2,500

per defendant per separate jury trial or up to \$15,000 per joint jury trial to be shared among co-defendants.

Finally, the Court questioned why the Special Prosecutor and the government have not informed the public of the severe logistical issues facing the prosecution and court system.

The opinion is available on [www.navajocourts.org](http://www.navajocourts.org) website.

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